

**House File 272 - Introduced**

HOUSE FILE 272

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**A BILL FOR**

1 An Act prohibiting employers from seeking access to certain  
2 online personal employee information.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 735.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Electronic communications device*" means any device  
5 that uses electronic signals to create, transmit, and receive  
6 information. "*Electronic communications device*" includes  
7 computers, telephones, personal digital assistants, and other  
8 similar devices.

9 2. "*Employer*" means the state of Iowa or any political  
10 subdivision, board, commission, department, or institution  
11 thereof, and every other person employing employees within this  
12 state. "*Employer*" includes an agent or representative of an  
13 employer.

14 Sec. 2. NEW SECTION. 735.2 Employer prohibitions.

15 An employer shall not do any of the following:

16 1. Request or require that an employee or applicant for  
17 employment disclose the employee's or applicant's user name,  
18 password, or other means for accessing a personal account or  
19 service through an electronic communications device.

20 2. Discharge, discipline, or otherwise penalize or threaten  
21 to discharge, discipline, or otherwise penalize an employee for  
22 an employee's refusal to disclose the employee's user name,  
23 password, or other means for accessing a personal account or  
24 service through an electronic communications device.

25 3. Fail or refuse to hire any applicant for employment as a  
26 result of the applicant's refusal to disclose the applicant's  
27 user name, password, or other means for accessing a personal  
28 account or service through an electronic communications device.

29 Sec. 3. NEW SECTION. 735.3 Employee prohibitions.

30 An employee shall not download unauthorized employer  
31 proprietary information or financial data to an employee's  
32 personal internet site, internet-based account, or similar  
33 account.

34 Sec. 4. NEW SECTION. 735.4 Actions not prohibited —  
35 employers.

1 This chapter does not prohibit an employer from doing any of  
2 the following:

3 1. Requiring an employee to disclose any user name,  
4 password, or other means for accessing nonpersonal accounts  
5 or services that provide access to the employer's internal  
6 computer or information systems.

7 2. Based on the receipt of information about the use of  
8 a personal internet site, internet-based account, or similar  
9 account by an employee for business purposes, requiring the  
10 employee to disclose the employee's user name, password, or  
11 other means for accessing the employee's personal account  
12 for purposes of conducting an investigation to ensure  
13 compliance with applicable state or federal law or regulatory  
14 requirements.

15 3. Based on the receipt of information about the  
16 unauthorized downloading of an employer's proprietary  
17 information or financial data to a personal internet site,  
18 internet-based account, or similar account by an employee  
19 in violation of section 735.3, requiring the employee to  
20 disclose the employee's user name, password, or other means  
21 for accessing the employee's personal account for purposes of  
22 investigating such action by the employee.

23 4. Complying with a duty to screen employees or applicants  
24 for employment prior to hiring or to monitor or retain employee  
25 communications pursuant to state or federal law.

26 5. Viewing, accessing, or utilizing information about  
27 an employee or applicant for employment that can be obtained  
28 without the use of any user name, password, or other means for  
29 accessing a personal account or service through an electronic  
30 communications device, or that is available in the public  
31 domain.

32 EXPLANATION

33 This bill prohibits an employer from requesting or requiring  
34 that an employee or applicant for employment disclose the  
35 employee's or applicant's user name, password, or other

1 means for accessing a personal account or service through  
2 an electronic communications device. The bill prohibits  
3 an employer from discharging, disciplining, or otherwise  
4 penalizing or threatening to discharge, discipline, or  
5 otherwise penalize an employee for an employee's refusal  
6 to disclose the employee's user name, password, or other  
7 means for accessing a personal account or service through an  
8 electronic communications device. The bill also prohibits an  
9 employer from failing or refusing to hire any applicant for  
10 employment as a result of the applicant's refusal to disclose  
11 the applicant's user name, password, or other means for  
12 accessing a personal account or service through an electronic  
13 communications device.

14 The bill defines "employer" as the state of Iowa or  
15 any political subdivision, board, commission, department,  
16 or institution thereof, and every other person employing  
17 employees within this state. "Employer" includes an agent or  
18 representative of an employer. The bill defines "electronic  
19 communications device" as any device that uses electronic  
20 signals to create, transmit, and receive information.  
21 "Electronic communications device" includes computers,  
22 telephones, personal digital assistants, and other similar  
23 devices.

24 The bill prohibits an employee from downloading unauthorized  
25 employer proprietary information or financial data to an  
26 employee's personal internet site, internet-based account, or  
27 similar account.

28 The bill sets out various actions by an employer which  
29 are not prohibited by the bill. An employer may require an  
30 employee to disclose any user name, password, or other means  
31 for accessing nonpersonal accounts or services that provide  
32 access to the employer's internal computer or information  
33 systems. Based on the receipt of information about the use of  
34 a personal internet site, internet-based account, or similar  
35 account by an employee for business purposes, an employer

1 may require the employee to disclose the employee's user  
2 name, password, or other means for accessing the employee's  
3 personal account for purposes of conducting an investigation  
4 to ensure compliance with applicable state or federal law or  
5 regulatory requirements. Based on the receipt of information  
6 about the unauthorized downloading of an employer's proprietary  
7 information or financial data to a personal internet site,  
8 internet-based account, or similar account by an employee in  
9 violation of the bill, an employer may require the employee to  
10 disclose the employee's user name, password, or other means  
11 for accessing the employee's personal account for purposes  
12 of investigating such action by an employee. An employer  
13 may comply with a duty to screen employees or applicants for  
14 employment prior to hiring or to monitor or retain employee  
15 communications pursuant to state or federal law. An employer  
16 may view, access, or utilize information about an employee  
17 or applicant for employment that can be obtained without  
18 the use of any user name, password, or other means for  
19 accessing a personal account or service through an electronic  
20 communications device, or that is available in the public  
21 domain.